

## PETITION FOR VARIANCE

### ATCP 93 - Flammable, Combustible, and Hazardous Liquid Storage Tanks

### ATCP 94 - Petroleum Products

#### INFORMATION AND INSTRUCTIONS

In instances where exact compliance with a particular code requirement cannot be met or alternative designs are desired, the Bureau has a petition for variance program where it reviews and considers acceptance of alternatives which are not in strict conformance with the letter of the code, but which meet the intent of the code. **A variance is not a waiver from a code requirement.** The petitioner must **provide an equivalency which meets the intent** of the code section petitioned to obtain a variance. Documentation of the rationale for the equivalency is requested below. Failure to provide adequate information may delay your petition. Pictures, sketches, and plans may be submitted to support equivalency. If the proposed equivalency does not adequately safeguard the health, safety, and welfare of building occupants, frequenters, firefighters, or provide equivalent protection of the environment, the variance request will be denied. It should be noted that **a petition for variance does not take the place of any required plan review submittal.**

The Bureau is unable to process petitions for variance that are not properly completed. Before submitting the application, the following items should be checked for completeness in order to avoid delays:

- Petitioner's name (typed or printed).
- Petitioner's signature. (must be signed by the owner of the building or project unless a Power of Attorney is submitted.)
- Notary Public signature with affixed seal.
- Analysis to establish equivalency, including any pictures, illustrations or sketches of the existing and proposed conditions to clearly convey your proposal to the reviewer. If aboveground or underground tank is located outside of a building, a schematic reflecting setbacks, vehicle parking area and vehicle traffic patterns must be submitted.
- Fee of \$300.
- Any required position statements by fire chief or municipal official.

A position statement from the municipal fire code enforcement official is required for fire safety issues that involve setbacks from buildings or property lines. Position statements must be completed and signed by the appropriate municipal fire code enforcement official. See the back of TR-WM-129, Petition for Variance Application form for position statement form. Signatures or seal on all documents must be originals. Photocopies are not acceptable.

Except for special cases, the Bureau will review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents, and fees required for the review.

Mail the completed Petition for Variance and fees to:

Department of Agriculture, Trade & Consumer Protection  
Division of Trade & Consumer Protection  
Bureau of Weights & Measures  
2811 Agriculture Drive  
P O Box 7837  
Madison, WI 53707-7837  
Telephone: (608) 224-4942



Wisconsin Department of Agriculture, Trade and Consumer Protection  
Bureau of Weights and Measures, Permits and Licensing  
P.O. Box 7837  
Madison, WI 53707-7837  
(608) 224-4942

FOR OFFICE USE ONLY  
Class Code 7636  
Trans No:  
Amount Paid:  
  
Wis. Admin. Code §ATCP 93.170

**PETITION FOR VARIANCE**  
**FLAMMABLE, COMBUSTIBLE, AND HAZARDOUS LIQUID STORAGE TANKS AND PETROLEUM PRODUCTS**

PLEASE TYPE OR PRINT CLEARLY - Personal information you provide may be used for purposes other than that which it was originally collected (s.15.04 (1)(m) Wis. Stats.).

1. Owner Information		2. Project Information	3. Designer Information	
Name		Code Chapter(s) and Use	Designer	
Company Name		Tenant Name (if any)	Design Firm	
Number and Street		Facility Location (number and street)	Number and Street	
City, State, Zip Code		<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township of	City, State, Zip Code	
Contact Person		County of                      Zip Code	Contact Person	
Telephone Number (    )	Cell Phone (    )	FD ID #	Telephone Number (    )	Cell Phone (    )
E-mail:			E-mail:	

**4. Tank System Plan Review by:**      ☐ State      ☐ Local Program Operator (LPO)  
**Plan Status:**      ☐ Plan will be submitted after petition determination      ☐ Preliminary design  
                         ☐ Already built      ☐ On hold      ☐ Approved, requesting revision      Plan #: \_\_\_\_\_

**5. State the code section being petitioned AND the specific condition or issue you are requesting be covered under this petition for variance.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Reason why compliance with the code cannot be attained without the variance.** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. State your proposed means and rationale of providing equivalent degree of health, safety, or welfare as addressed by the code section petitioned.** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8. List attachments to be considered as part of the petitioner's statements (i.e., model code sections, test reports, research articles, expert opinion, previously approved variances, pictures, plans, sketches, etc.).**

\_\_\_\_\_  
\_\_\_\_\_

**VERIFICATION BY OWNER - PETITION IS VALID ONLY IF NOTARIZED WITH AFFIXED SEAL AND ACCOMPANIED BY REVIEW FEE**  
(See Section ATCP 93.170 for complete fee information)

Note: Petitioner must be the owner of the building or project. Tenants, agents, designers, contractors, attorneys, etc., shall not sign petition unless Power of Attorney is submitted with the Petition for Variance Application.

\_\_\_\_\_, being duly sworn, I state as petitioner that I have read the foregoing petition and I believe  
Petitioner's Name (type or print) it is true and that I have significant ownership rights to the subject property or project.

Subscribed and  
sworn before me this  
date:

Notary Public:

My commission  
expires on:

\_\_\_\_\_  
Petitioner's Signature

\_\_\_\_\_  
\_\_\_\_\_

## Fire Department or Enforcement Official Position Statement

To be completed only for variances requested from ATCP 93 building or property line setback requirements.

**I have read the application for variance and recommend:** (check appropriate box)

☐ Approval      ☐ Conditional Approval      ☐ Denial      ☐ No Comment

Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions:

[illegible]

Fire Department Name and Address

Name of Fire Chief or Designee Enforcement Official (type or print)	Telephone
E-mail	
Signature of Fire Chief or Designee	Date Signed